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10/797,098	03/11/2004	Chien-Tsung Chen		4588

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EXAMINER
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TAKELE, MESEKER

ART UNIT	PAPER NUMBER
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2174

NOTIFICATION DATE	DELIVERY MODE
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09/12/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## Office Action Summary

Application No.

10/797,098

Applicant(s)

CHEN, CHIEN-TSUNG

Examiner

Meseker Takele

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is responsive to the Amendment filed June 14, 2007.
2. Claims 1-15 are pending in this application. Claims 1 and 9 are independent claims. In the instant Amendment, claims 1, 6, 7 and 9 were amended.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### **Applicant's Response**

4. Based on Applicant's amendments and remarks, the following objections and rejections previously set forth in Office Action dated 03/14/2007 are withdrawn:

a) Objection to Priority claim

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1- 8 and 9-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakano et al. (US Pub. No: 2004/0100479).

As to claim 1, Nakano discloses a method to process a multifunctional menu (example, menu display, multifunctional cell phone, see paragraph [0148]) of a human input device, (example, such as personal digital assistance, see paragraph [0002]) said method being applied

on a window operating system having a plurality of window application programs (example, such as a PDA, plurality of application software, see paragraph [0003] and se Figure 1) comprising the following steps:

(A). Providing a menu operated via said human input device, (example, PDA, see paragraph [0006]) wherein said menu comprises: an auto-scroll menu for indicating function of scrolling (example, the scroll operation is made though operation of a button such as a lever or tapping operation on a specific position using a stylus pen see paragraph [0006] and Figure 1), and a multifunctional menu for operating a plurality of window application programs with the human interface (example, such as different application which is displayed in Figure 1),

wherein said multifunctional menu includes a plurality of macro instruction icons (see Figure 26A –26C (element 33)) a plurality of instruction icons (as shown in Figure 26A-26C, which the examiner considering to be only the picture icon associated with each entry 33) corresponding to said plurality macro instruction icons and a first switching icon (example, switch, see paragraph [0010]) used on said multifunctional menu for switching to said auto-scroll menu, which includes a second switching icon for switching to said multifunctional menu(see paragraph, [0501], [0486], Figure 51 and 53A-C) (example, switching between , see Paragraph [0064] ):

(B). Receiving a predetermined pressing signal of said human input device (example, signal, pressed, see paragraph [0390] and [0525]):

(C). Displaying said menu in a popup mode according to said predetermined pressing signal of step (B); (example, side controller 613 is pushed within a predetermined time, signal,

pressed, menu item appears as if it popped up see, paragraph [0525], [0525], [0221] and Figure 54A-54G):

(D). Receiving input signals of icons selected by said human input device on said menu (example, input signal, see paragraph [0397] and Figure 24B) and:

(E). Executing commands in correspondence with said input signals of step (D); (see Figure 40A-B); wherein, the macro instruction icons are human operating interfaces (example, element 33, see Figure 26A and paragraph [0005]); to join said multifunctional menu with multiple layers as (example, application layers from B-F, see Figure 26A, application layers from (D-H), Figure 26B and application (I-K), Figure 26C) a single display frame instead of multiple layers of display frames so as to offer a user an environment of single operation and a simple and tidy display frame (example, application layers from A-K, window frame display, see paragraph [0064] and Figure 1, in other words, the application layers of each of Figures 26A – 26C can be displayed in a single display frame as shown in Figure 1).

As to claim 2, Nakano discloses wherein steps (A) to (E) are implemented by way of encoding as program codes (example, various programs and data, see paragraph [0155]).

As to claims, 3 and 10, Nakano discloses, wherein said human input device can be a touch pad (example, touch panel 104, see paragraph [0151] and Figure 1).

As to claims 4 and 11, Nakano discloses wherein said instruction icons are for operating said window application programs (example, icons representing application software programs and/or documents and their names are displayed in sets, see paragraph [0005] and figure 24B).

As to claims 5 and 12, Nakano discloses wherein the instruction icons are used for operating the window (example, window, see paragraph [0054]) operation system (example, target menu item by way of icons, see paragraph [0014]).

As to claim 6, Nakano discloses wherein said predetermined pressing signal is induced by a middle key, a third key, a fourth key, a fifth key and a further added key of a mouse (example, such as escape key, power key, and outputs as an operation signal the detected position signal, predetermined operation, see paragraph [0276], [0277], [0491] and [0013]).

As to claims 7, Nakano discloses wherein said predetermined pressing signal is induced by one key or one of a group of keys (example, such as escape key, power key, and outputs as an operation signal the detected position signal, predetermined operation see paragraph [0005], [0276], Figures 24A - 24B (elements 14, 15 and 16) and paragraph [0013]).

As to claims 8 and 15, Nakano disclose, wherein said menu is one of which the content is adapted for updating (example, update the menu, see paragraph [0237]).

As to claim 9, Nakano discloses, human input system (example, personal digital assistance, see paragraph [0002]) applied on a window (example, window, see paragraph [0064]) operating system (example, operating system, see paragraph [0206]) having a plurality of window application programs (example, plurality of application software, see paragraph [0003]) comprising:

a human input device (example, personal digital assistance, see paragraph [0002]) and providing a pressing signal of a predetermined key (example, signal, pressed, predetermined key such as an escape key 15, and a power key 16 see paragraph [0390]) a menu operated by said human input device, (see Figure 1) further comprising and a multifunctional menu for operating

a plurality of window application programs with human interface operation (example, such as application A, B, C, see Figure 1)

wherein said multifunctional menu includes a plurality of macro instruction icons, (see Figure 26A – 26C (element 33)) a plurality of instruction icons (example, various icons, as shown in Figure 26A-26C, which the examiner considering to be only the picture icon associated with each entry 33) corresponding said plurality of macro instruction icons (see Figure 26A-26C (such as icons for application A, b, C), and Figure 10 (element 524b) and a first switching icon for switching to said auto-scroll menu; (example, scroll, menu, see Paragraph [0011], [0006], [0007], [0057] and abstract) said auto-scroll menu includes a second switching icon used for switching said auto-scroll menu to said multifunctional menu; (example, scroll up or down, switching icon 135, switch section, escape button 110 is a button switch, see paragraph, [0501], [0486], [0229], Figure 51 and 53A-C, [0064], [0066] , [0153] and Figure 17A (element 135) ) and program codes being used in said human input device to execute in the window operation system for accessing following procedures , (example, various programs and data, see paragraph [0155]):

receiving said pressing signal induced by said predetermined key of said human input device (example, operation input is received from the LCD panel 11 (touch panel) or the side controller 14, see paragraph [0150], [0396] and Figure 1) displaying said menu in a popup mode according to said pressing signal; (example, displaying menu items, appears as if it popped up from the menu, see abstract, paragraph [0221] and Figure 2A-2D) receiving input signals of icons selected on said menu by said human input device; (example, operation input signal, see paragraph [0179] and Figure 40A) and executing commands in correspondence with said input

signals of said icons (see Figure 40B) wherein, the macro instruction icons are human operating interfaces (example, Figure 26A (element 33) and paragraph [0005]) to join said multifunctional menu with multiple layers as (example, application layers from B-F, see Figure 26A, application layers from D-H, Figure 26B and application I-K, Figure 26C) a single display frame instead of multiple layers of display frames so as to offer a user an environment of single operation and a simple and tidy display frame (example, application layers from A-K, see Figure 1, in other words, the application layers of each of Figures 26A – 26C can be displayed in a single display frame as shown in Figure 1).

As to claim 13, Nakano discloses, wherein said predetermined key is one of a middle key, a third key, a fourth key, a fifth key and a further added key of a mouse (example, escape key, power key, see paragraph [0276]).

As to claim 14, Nakano disclose, wherein said predetermined key is one key or one of a group of keys (example, such as escape key, power key, see paragraph [0005], [0276] and Figures 24A - 24B (elements 14, 15 and 16)).

### ***Response to Arguments***

7. Applicant's arguments with respect to the amended claims 1, 6, 7 and 9 have been fully considered but they are not persuasive.

Applicant argues that Nakano et al. fails to teach:

- (a) "The first switching icon".
- (b) " How the information screen turns into scroll operation".
- (c) " Predetermined pressing signal".

The Examiner disagrees for the following reasons.



Per (a), as noted in paragraph [0010], display is switched via a transition screen in switchover to the information screen for the selected icon. In the transition screen, the selected icon is gradually scaled up. The scaled-up icon gradually turns fainter to perform switchover to the information screen.

Per (b), as noted in paragraph [0006] and Figure 1, the scroll operation is made through operation of a button such as a lever or tapping operation on a specific position using a stylus pen.

Per (C), as noted in paragraph [0525], [0221] and Figure 54A-54G): side controller 613 is pushed within a predetermined time, signal, pressed, menu item appears as if it popped up from a menu.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meseker Takele whose telephone number is (571) 270-1653. The examiner can normally be reached on Monday - Friday 7:30AM- 5:00PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT

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